

- REMARKS/ARGUMENTS -

Claims 1 to 18, 21 and 22 are now in the application.

The Examiner's comments regarding Fig. 2 have been noted and the appropriate corrections have been made. A new version of the sheet of drawings containing Figs. 1 and 2 is attached hereto for the Examiner's consideration. Also attached is a version with markings to show the changes made to Fig. 2.

Before commenting on the references cited by the Examiner against the claims of the present application, Applicant would like to remind the Examiner that the present invention is directed to a new footing structure in which a socket member is protected against deformation, while being driven into the ground by an outer sleeve having a leading end that extends beyond a leading end of the socket member to allow same to move deeper into the sleeve in the event that an obstacle is encountered while the footing is being forcibly driven into the ground. The protection of the socket member ensures the integrity of the connection between an above-ground pole segment and the in-ground socket once same has been appropriately implanted.

Claims 1, 2, 5, 7, 11, 14 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5, 293,889 (Hall et al.).

Hall et al. disclose a beach umbrella 10 comprising a tubular umbrella lower shaft 12 having screw threads 16 adapted to be directed into beach sand. Once the lower shaft 12 has been implanted into the sand, an intermediate shaft 17 is inserted into the upper end of the lower shaft 12. Then, an upper shaft carrying an umbrella canopy 21 is mounted into the intermediate shaft 20. Hall et al. do not disclose any means for protecting the lower shaft 12 against deformation while being driven into the ground. It is respectfully submitted that it is the lower shaft 12 that actually receives an above-ground post segment. Therefore, if there is any parallel to be made with Applicant's present invention and Hall et al., the lower shaft 12 would more closely correspond to the claimed "socket member", which needed to be

protected. Hall et al. fail to teach protecting a socket member against deformation, while being driven into the ground by mounting the socket into a sleeve extending beyond the leading end of the socket to permit same to move deeper into the sleeve, in the event that an obstacle is encountered while forcibly driving the footing into the ground. In Hall et al.'s reference, there is no need to protect the lower shaft, since same is intended to be threadably inserted into a mass of sand. Independent claims 1 and 10, as herein amended, are believed clearly patentable as reciting a socket member that is protected against deformation while being implanted into the ground by an outer sleeve into which the socket member can move deeper, in the event that an obstacle is encountered while the footing is being driven into the ground.

Claims 1, 2, 5, 10, 11, 14 and 19 stand rejected under 35 U.S.C. 102(b), as being anticipated by United States Patent No. ,217,194 (Brownell). Brownell discloses a yard swing stabilizer 10 comprising a first support tube 22 and a second support tube 25 adapted to be slidably received within the first support tube 22. As stated at column 4, lines 1 to 14, the second support tube 25 defines a cavity 32 for complementarily receiving a first support tube projection 33. This clearly prevents the second tube 25 from moving deeper into the first tube 22, in the event that an obstacle is encountered while driving the tubes into the ground. With such a structure, the impact would be directly transmitted to the second support tube 25, which is exactly what the present invention is aiming to avoid. Furthermore, it is respectfully submitted that one skilled in the art would understand that the second tube 25 is solely hammered into the first tube 22 once the first tube has been inserted into the ground. Indeed, the prongs 29 would otherwise interfere with the planting of the post structure in the ground. In view of the foregoing, it is clear that Brownell fails to teach protecting a socket member against deformation, while being implanted into the ground by allowing the socket member to move deeper in a protective sleeve having a leading end extending beyond the socket member. It is also respectfully submitted that the connector 16 is not axially inserted into the

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post segment and the socket member, as now recited in claim 1. It is this axial engagement of the connector into the socket member which requires that the socket member be protected while being driven into the ground. Indeed, the deformation of the socket member could result in an impossibility of axially inserting the connector into the socket member.

Claims 10, 11, 19 and 20 stand rejected under 35 U.S.C. 102(b), as being anticipated by United States Patent No. 5,632,464 (Aberle). Aberle discloses a ground pocket support 10 including a body portion 12 defining a hollow chamber 18 for receiving a post 16. The body portion has a lower end portion 28 adapted to be mounted in an extension tube 30. Holes 34 and 36 are defined in the lower end portion 28 and the extension tube 30 for receiving fasteners 38 to secure the extension tube 30 to the body portion 12. A rim 26 extends from the body portion 12 for resting on the peripheral end surface of the extension tube 30. The rim 26 and the fasteners 38 obviously prevent any relative movement between the body portion 12 and the extension tube 30. In the event that an obstacle is encountered while the ground pocket support 10 is driven into the ground, the impact on the extension tube 30 will be transmitted directly to the body portion 12. This is exactly what Applicant's present invention is aiming to avoid. The extension member 30 does not afford protection to the body portion 12 against deformation during the implantation procedure by allowing the body portion 12 to move deeper into the extension member 30 in response to a collision with an obstacle, as recited in claim 10.

Claims 10, 11, 12 and 16 stand rejected under 35 U.S.C. 102(b), as being anticipated by United States Patent No. 5,984,587 (Odle).

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OK (It is respectfully submitted that Odle does not disclose any means for protecting a ground socket member while being driven into the ground, as recited in claim 10. Odle solely discloses a ground stabilization apparatus adapted to be placed in a hole defined in the ground (see column 9, lines 14 to 42). Furthermore, contrary to the present invention, the adaptor 120 and the outer sleeve 12a appear to be co-extensive, i.e. the leading end of the ring 12a does not project beyond the adaptor 120.

Claims 10, 11, 12, 14 and 19 stand rejected under 35 U.S.C. 102(a), as being anticipated by United States Patent No. 6,050,034 (Krinner).

OK (Regarding Krinner, it is respectfully submitted that Krinner's anchoring device is drilled into the ground (see column 4, lines 61 to 67) and, thus, it is not forcibly driven into the ground, whereby it does not require the kind of protection for which Applicant's present invention has been conceived. As stated at column 5, lines 11 to 20, the annular outer member 16 is inserted into the open end of the tubular section 6 from the top and is supported at the upper edge of the tubular section 6 by an annular flange or shoulder 20. The shoulder 20 will obviously prevent the member 16 to move deeper into the section 6, in the event that an obstacle is encountered in the ground. Therefore, the impact will be transferred to the member 16. This is contrary to Applicant's present invention.

Claims 10, 11, 14, 15, 16 and 19 stand rejected under 35 U.S.C. 102(b), as being anticipated by United States Patent No. 996,316 (Connors).

OK (Connors discloses a post comprising opposed post members 1 and 2. The post is provided at one or more points with a core 7 designed to fit snugly between the post members 1 and 2. Bolts 9 are provided for securing the core 7 to the post members 1 and 2. In addition to not forming a footing, the elements 1, 2 and 7 are rigidly connected to each other, thereby preventing any relative movement there between to prevent the transmission of impact forces to the core 7. Connors fails to teach a socket member that is protected against

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deformation, while being implanted into the ground by a protective sleeve into which the socket may further move in response to a collision with an obstacle in the ground.

In view of the foregoing, independent claims 1 and 10 have been amended to set forth that the footing includes a socket member, which is protected against deformation by an outer sleeve, the outer sleeve projecting beyond the socket member for allowing the socket member to move deeper into the outer sleeve, in the event that an obstacle is encountered while the footing is being driven into the ground, thereby preventing the socket member from being damaged. None of the above-mentioned references is believed pertinent to the claimed invention.

Claims 4 and 13 stand rejected under 35 U.S.C. 103(a), as being unpatentable over Hall et al. Claims 4 and 13 also stand rejected under 35 U.S.C. 103(a), as being unpatentable over Brownell. Claim 13 has been further rejected under 35 U.S.C. 103(a), as being unpatentable over Aberle. Claim 13 has been further rejected under 35 U.S.C. 103(a), as being unpatentable over Connors.

Claims 4 and 13 are believed patentable for at least the reasons set forth above with respect to independent claims 1 and 10.

Former claims 19 to 20 have been deleted without prejudice.

In view of the allowability of former claim 8, Applicant herein submits, for the Examiner's consideration, new independent claim 21, which results from the combination of claims 1, 7 and 8. New claim 22 corresponds to claim 9.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version With Markings To Show Changes Made".

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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By:

June 18, 2002

Date

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Agent of Record

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- Encl. - Version with Markings
- new sheet of drawings containing Figs. 1 and 2
- marked-up version of sheet of drawings indicating changes

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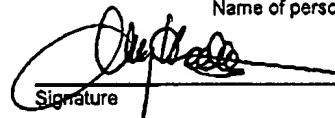
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GUY HOULE, Reg. No. 24,971

Name of person signing certification


SignatureJune 18, 2001
Date

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 19 and 20 have been deleted.

Claims 1 and 10 have been amended as follows:

1. (amended) A post comprising a footing adapted to be driven into the ground, said footing including ~~an outer sleeve and a~~ socket member that is protected against deformation while being implanted into the ground by an outer sleeve, said outer sleeve having trailing and leading ends, said leading end being adapted to be forcibly driven into the ground in response to a driving force applied to said trailing end, said socket member being ~~fixed-received~~ within said outer sleeve with said leading end of said outer sleeve extending beyond said socket member ~~to prevent the latter from being damaged for allowing said socket member to move deeper into said outer sleeve~~ in the event that an obstacle ~~be-is~~ encountered while said footing is being driven into the ground, thereby preventing the socket member from being damaged, an elongated post segment, and a connector axially inserted into said elongated post segment and said socket member for joining said post segment and said footing together in an end-to-end relationship.

10. (amended) A footing for holding a post segment above a ground surface, comprising a socket member that is protected against deformation while being implanted into the ground by an outer sleeve, ~~an~~ said outer sleeve having trailing and leading ends, said leading end being adapted to be forcibly driven into the ground in response to a driving force applied to said trailing end, ~~and a~~ said socket member being held within said outer sleeve with said leading end of said outer sleeve extending beyond said socket member ~~to prevent the latter from being damaged for allowing said socket member to move deeper into said outer sleeve~~ in the event that an obstacle be encountered while said footing is being driven into the ground, thereby protecting the socket member against deformation, wherein said socket member defines a socket adapted to receive a post structural member once said footing has been installed in the ground.

New claims 21 and 22 have been added as follows.

21. (new) A post comprising a footing adapted to be driven into the ground, said footing including a socket member that is protected against deformation while being

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implanted into the ground by an outer sleeve, said outer sleeve having trailing and leading ends, said leading end being adapted to be forcibly driven into the ground in response to a driving force applied to said trailing end, said socket member being received within said outer sleeve with said leading end of said outer sleeve extending beyond said socket member for allowing said socket member to move deeper into said outer sleeve in the event that an obstacle is encountered while said footing is being driven into the ground, thereby preventing the socket member from being damaged, an elongated post segment, and a connector axially inserted into said elongated post segment and said socket member for joining said post segment and said footing together in an end-to-end relationship, further including at least one stabilizer removably fitted over said outer sleeve to provide lateral stability to said post, wherein said stabilizer includes a pair of strips having slots defined therein for allowing said strips to be inserted one into the other about said outer sleeve.

22. (new) A post as defined in claim 21, wherein each said strip includes a first elongated segment and a second elongated segment extending at right angles from one end of said first segment, said strips being assembled together to form a pair of diverging arms on opposed sides of said sleeve.

